

Attorney's Docket: 2001US406
Serial No.: 10/001,293
Group: 1621

REMARKS

The Office Action mailed December 3, 2003, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-12 are pending in this Application. By this Amendment, applicants have amended claims 1, 5, and 6, while claim 12 has been cancelled. Therefore, the claims under consideration are believed to include claims 1-11.

Claim Rejection Under 35 USC § 101 and 112

Claim 12 stands rejected under 35 USC § 112, second paragraph, as indefinite; and under 35 USC § 101 because the claim recitation of a use results in an improper definition of a process. Claim 12 has been cancelled, thereby eliminating this rejection.

Claim Rejections Under 35 USC § 102

Claims 1-11 stand rejected under 35 USC § 102(b) as being anticipated by LeGrow et al. (US 6,258,365), or Bara (US 6,184,277) or EP0862913. This rejection is respectfully overcome.

Applicants' invention, as defined by amended claim 1, is directed to a mixture which includes a silicone oil, an organic oil and at least one organomodified silicone oil chosen from the formula set forth in the claim, wherein the R radical is an alkyl or alkenyl radical having 6 to 16 carbons, A phenyl radical, an alkylaryl having 7-16 carbon atoms or arylalkyl having 7-16 carbons atoms.

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With respect to the '365 Patent, a composition is advanced having a volatile or non-volatile silicone-hydrocarbon hybrid fluid, and a gelling agent. The gelling agent includes a non-volatile occlusive silicone-aliphatic hydrocarbon hybrid wax (underlining added). The composition may further include an organic oil, as recited in Example 6.

Applicants invention, as defined by independent claim 1, includes at least one organomodified silicone oil, wherein the R radical is chosen from a variety of groups, wherein all groups have between 6 or 7 and 16 carbon atoms, or a phenyl radical. This definition of the organomodified silicone oil expressly excludes a silicone-aliphatic hydrocarbon hybrid wax. As the '365 Patent does not disclose the organomodified silicone oil as recited in claim 1, it is respectfully contended that Applicants' invention, as defined by claim 1, and all claims depending therefrom, are not anticipated by the '365 Patent.

Concerning the '277 Patent, the composition advanced therein specifically includes "at least one partially cross-linked elastomeric solid organopolysiloxane" (underlining added). See column 1, lines 66 through Column 2 line 1. The "277 Patent does not disclose, teach, or suggest at least one organomodified silicone oil as recited in Applicants' amended claim 1. For this reason, it is Applicants' courteous position that independent claim 1, and all claims depending therefrom, are not anticipated by the '277 Patent.

Turning to EP'913, the reference discloses a composition having at least a silicone rubber, a vegetable oil or synthetic triglyceride and a volatile silicone. (underling added). Applicants disclose and claim a mixture, wherein the organomodified silicone is an oil, and by the limitation of the carbon chain length of the radical, precludes the existence of a silicone rubber. Because the EP'913 reference does not disclose the use of at least one organomodified silicone oil as recited in independent claim 1, Applicants' claimed invention is not anticipated thereby.

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As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



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